REMARKS

INTRODUCTION

Claims 1-13 were previously pending and under consideration.

Claims 14-19 are added herein.

Therefore, claims 1-19 are now pending and under consideration.

Claims 1-13 are rejected.

Claims 1-13 are objected to.

Claims 1, 4, 8, and 11-13 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

OBJECTIONS TO THE CLAIMS

In the Office Action, at page 2, claims 1-13 were objected to because of lack of antecedent basis. The formalities cited by the Examiner are corrected herein without narrowing the scope of the objected-to claims.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 2-5, claims 1-13 were rejected under 35 U.S.C. § 103 as being unpatentable over Krishnamurthy. This rejection is traversed and reconsideration is requested.

KRISHNAMURTHY DOES NOT DISCLOSE ONLY COLLECTING/STORING INFORMATION IF A PRIORITY IS HIGH ENOUGH OR IF AN ERROR NOTICE IS RECEIVED

Claims 1 and 12 recite a collecting apparatus "only collects/collecting the information stored on the generation-side . . . if the priority of said information generation apparatus is higher than a preset priority". Claim 4 recites the collecting apparatus "collect[ing] only stored generated information with priorities higher than a preset priority".

Claims 11 and 13 recite a generating apparatus "only stores/storing for collection the

generated information if said information has a priority higher than a preset priority".

Claim 8 recites that a collector "upon reception of a notice sent from an information generation apparatus in which a given error has occurred and from which the notice has been sent responsive thereto, collects information stored on the generation-side. "

A common thread among the above-mentioned independent claims is that the collection of information or storage of information for collection is conditional. That is, collection occurs only if a given condition is met or occurs, such as sufficiency of priority of a generating apparatus or reception of an error notice. Collection/storage does not occur if the priority is not met or an error notice is not received.

Krishnamurthy is correctly cited by the rejection as providing priority to upstream collection nodes. However the priority is used in a priority queue only to determine when in time the information will be collected, not whether or if the collection will occur (only collecting ... if ...). All collection requests are eventually satisfied. At column 6, lines 20-48, Krishnamurthy mentions that "an output queue 404 [holds] collection requests ... [404 is] *maintained in sorted order* [e.g. it is a priority queue] with the primary sort key being the CTOC [Collection Table of Contents] priority". Thus, the requests are prioritized via a priority queue 404. Priority in Krishnamurthy may be used to accommodate intermittently available end points (generators). The priority may also be based on availability of the collector. Notably, the priority queues 402 and 404 can be checkpointed and restarted from disk (col. 6, lines 57-65), further indicating that *all* collection requests are to be serviced in due time.

Nowhere does Krishnamurthy discuss only collecting if a condition occurs. In Krishnamurthy, every collection request is serviced, and the priority only determines the timing of the collection by the collector (timing is the order of the request priority queue). Krishnamurthy may not be able to collect high priority information because its overall load is increased by the handling (perhaps delayed) of lower priority information. Consider that in Krishnamurthy, if a low priority collection request (perhaps delayed due to low priority) is being performed, then a higher priority request (e.g. an information generator crashed) received after the low priority collection starts may not be performed if a window of opportunity for performing same has passed by the time the lower priority collection is complete. The mere receiving of low priority requests can overload the system of Krishnamurthy. With the present claims, collection or storage of collection information is not performed if the priority is not sufficient or if an error has not

occurred, thus reducing the overall system load and increasing the availability of the collector to handle high priority collection requests when they occur.

Withdrawal of the rejection of claims 1, 4, 8, and 11-13 is respectfully requested.

PRIMA FACIE CASE OF OBVIOUSNESS NOT MET: MODIFICATION OF KRISHNAMURTHY NOT EQUIVALENT TO RECITED FEATURES

Claims 2 and 3 were rejected based on a conclusion that Krishnamurthy dynamically sets node routing priority based on collecting nodes. However, at the cited portion of Krishnamurthy (col. 5, lines 4-13), Krishnamurthy states that "priority of the collection" may be taken into account when assigning a nearest collector to handle a collection request. Here, "collection" refers to priority of a particular collection request as its route is being determined. However, claims 2 and 3 recite that the substitution occurs when the collector experiences an error or, for claim 3, based on a priority of the collecting apparatus itself. The priority of the collecting apparatus itself is not the same as the Krishnamurthy's priority of a particular collection request.

Withdrawal of the rejection of claims 2 and 3 is respectfully requested.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 6 recites that "any one or more of said information generation apparatuses to act as a substitute to execute the operation of collecting information". This feature is not taught or suggested by the prior art. Applicant respectfully traverses the rejection's equating of an information generating apparatus with a collecting apparatus of Krishnamurthy. Throughout, Krishnamurthy distinguishes between information generating endpoints and collecting nodes. Nowhere does Krishnamurthy discuss the collection nodes generating information for collection. Krishnamurthy is a store-and-forward architecture where the collectors receive, store, and forward generated information. The collection nodes are not revealed to be information generators. To generate information is to originally create it where it did not previously exist. Copying or receiving information is not the same as generating it. Withdrawal of the rejection of the dependent claims is respectfully requested.

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NEW CLAIMS

New claims have been added to clarify an aspect of the present invention and to provide alternative claim language. For example, the new claims recite a log, which may be a species of the more generic generated information.

MISCELLANEOUS AMENDMENTS

Various other amendments to the claims have been made to broaden their scope and to add to their readability. For example, "transmission lines" has been broadened to "transmission paths" in recognition of the fact that wireless communications are an art-known equivalent to physical transmission lines. "When" has been changed to "if" to clarify that, with respect to the same condition ("if [condition]" and "when [condition]), the claims are not limited to the timing of the actions based upon the conditions. "Steps of" has been deleted to clarify that the sixth paragraph of 35 U.S.C § 112 is not being invoked. "Reached a predetermined amount" has been broadened to "based on a predetermined amount". "An information generation apparatus that is [any of ...]" and the like have been added only to make it easier to refer back to a particular generating apparatus, which may be any one of the generating apparatuses. "Only" has been moved to clarify the various subjects/actions to which "only" was previously believed to apply.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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